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*Counsel For Defendant Micron Technology, Inc.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In Re DRAM ANTITRUST LITIGATION

Master File No. M-02-1486 PJH

MDL. No. 1486

Case No. 05-02472

This Document Relates to:

All Indirect-Purchaser Cases

**STIPULATION AND [PROPOSED]
ORDER REGARDING STAY OF
INDIRECT PURCHASER
PROCEEDINGS BEFORE THIS COURT
PENDING NINTH CIRCUIT REMAND**

WHEREAS, on March 28, 2008, this Court granted Indirect-Purchaser Plaintiffs' ("Plaintiffs") Motion pursuant to Title 28, USC § 1929(b) ("Section 1292(b) Petition") for Certification for Interlocutory Appeal of its June 1, 2007 and January 29, 2008 Orders dismissing, with prejudice, all antitrust damage claims under fifteen states' antitrust statutes for purchasers of computers containing DRAM modules; and

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BEFORE THIS COURT PENDING NINTH CIRCUIT REMAND

WHEREAS, Plaintiffs filed a Section 1292(b) Petition with the United States Court of Appeals for the Ninth Circuit on April 7, 2008; and

WHEREAS, on April 17, 2008, this Court, pursuant to the parties' stipulation, ordered an interim stay of these proceedings pending the Ninth Circuit's ruling on the Section 1292(b) Petition; and

WHEREAS, on June 26, 2008 the Ninth Circuit granted the Section 1292(b) Petition; and

WHEREAS, the current briefing schedule in the Ninth Circuit extends through May 2009; and

WHEREAS, the briefing on class certification before this Court has been stayed because the composition of the indirect-purchaser class will be substantially changed if purchasers of computers containing DRAM are included in this action; and

WHEREAS, the parties agree to continue to stay the indirect purchaser proceedings in this Court until the Ninth Circuit decides the interlocutory appeal and remands this matter to this Court.

IT IS HEREBY STIPULATED by and between the parties hereto, subject to approval by this Court, to continue to stay all proceedings in this indirect purchaser action in this Court during the period that the Ninth Circuit is considering Plaintiffs' appeal.

Dated: October 29, 2008

So Stipulated:

By: /s/
 JOSEF D. COOPER (S.B. 53015)
 TRACY R. KIRKHAM (S.B. 69913)
 JOHN J. BOGDANOR (S.B. 215830)
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 BEFORE THIS COURT PENDING NINTH CIRCUIT REMAND

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6 Counsel For Defendant Micron Technology, Inc. and
 on behalf of all other Defendants

7 *Additional Defendants and Counsel:*

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20 21 22 23 24 25 26 27 28	KAYE SCHOLER LLP ATON ARBISSER, Bar Number 150496 JULIAN BREW, Bar Number 150615 JOSHUA STAMBAUGH, Bar Number 233834 1999 Avenue of the Stars, Suite 1700 Los Angeles, California 90067 Telephone: (310) 788-1000 Facsimile: (310) 788-1200 <i>Attorneys for Defendants Infineon Technologies North America Corp. and Infineon Technologies AG.</i>	HOWARD M. ULLMAN ORRICK, HERRINGTON & SUTCLIFFE LLP The Orrick Building 405 Howard Street San Francisco, CA 94105-2669 ROBERT FREITAS Orrick, Herrington & Sutcliffe LLP 1000 Marsh Road Menlo Park, CA 94025-1021 <i>Attorneys for Defendants Nanya Technology Corporation and Nanya Technology Corporation USA</i>

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ATTESTATION OF FILING

Pursuant to General Order No. 45 § X (B), I hereby attest that I have obtained concurrence in the service and filing of this Motion with electronic signatures from all of the parties listed in the signature blocks above.

/s/ Joel S. Sanders

Joel S. Sanders

[PROPOSED] ORDER

Pursuant to the Stipulation of the parties, **IT IS HEREBY ORDERED:**

1. All proceedings in the indirect purchaser actions before this Court shall continue to be stayed during the period of time the United States Court of Appeals for the Ninth Circuit is considering the Indirect Purchaser Plaintiffs' appeal.

2. Within 45 days of the Ninth Circuit's remand, the parties shall jointly submit to the Court for approval, a schedule for briefing of the class certification motion.

Dated: _____, 2008

The Honorable Phyllis J. Hamilton
United States District Court Judge

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